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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,148	10/29/2003	Sorin Grunwald	PA2631US	9972
22830	7590	06/14/2005	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			IMAM, ALI M	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,148	GRUNWALD ET AL.	
	Examiner	Art Unit	
	Ali Imam	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/27/5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed 4/27/5, all necessary changes to the claims have been inserted.

Response to Arguments

2. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added limitation "means for automatically optimizing system settings in accordance with a plurality of parameters" in the independent claims are not mentioned in the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4-7, 9, 10, 12, 15, 18, 19, 21, 24-28, 30, 31, 33, 36, 39, 40, 42, 45-47, and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short et al. (US 5,161,535 of record) in view of Mucci et al. (US 6,512,854).

In regard to claims 1, 21, 42, 47, and 53, Short teaches in Figs. 1-9 a user interface for an ultrasonic imaging system (1) wherein the user interface comprising a set of display (12, 12') and user interaction areas (see Fig. 1 below) including an image display area (5) to display ultrasonic images; a control area (10, 10') including elements (see Fig. 2 below) configured to enable a user to access a plurality of operation modes, said elements having active behavior that provides timely user control of the ultrasonic imaging system whereby each of the display areas can interact with the user independently in order to provide timely response to specific user requests. Furthermore, Short teaches rotatable control buttons (25, 28, 36, 38, and 40) which obviously maintain a history of user interaction. Short further teaches that the two displays can be eliminated by providing one large display that is large enough to display both the imaging and non-imaging (patient information) information (col. 8, lines 30-37).

Short fails to mention specifically a means for automatically optimizing system settings in accordance with a plurality of parameters.

Mucci teaches in col. 4, lines 45-60, a means for automatically optimizing system settings in accordance with a plurality of parameters.

Therefore, it would have been obvious to an ordinary skill in the art, at the time the invention was made to modify Short's ultrasonic imaging system so that it includes a means for automatically optimizing system settings in accordance with a plurality of parameters as taught by Mucci in order to improve and optimize ultrasonic diagnostic procedures.

In regard to the dependent claims 4-7, 9, 10, 12, 15, 18, 19, 24-28, 30, 31, 33, 36, 39, 40, 45-47, 50-52, Short teaches various touch screen, tabs, or programmable function keys (see Fig. 2 below) in the control area. Furthermore, Short teaches that the ultrasonic imaging system is portable (see the wheels on Fig. 1).

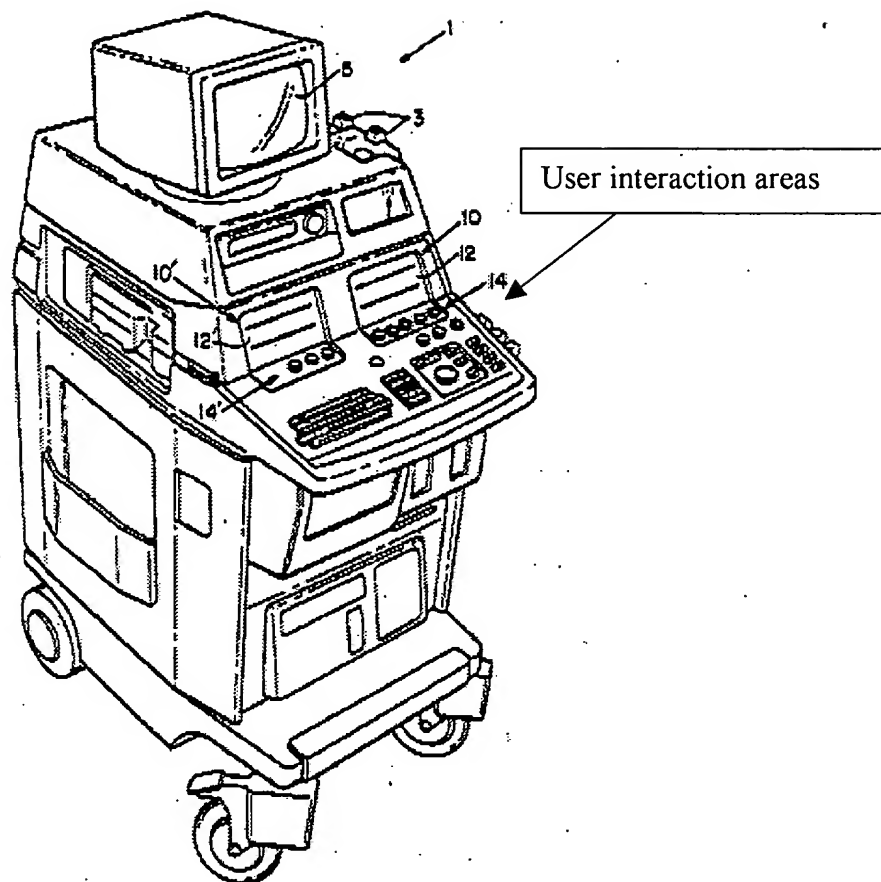
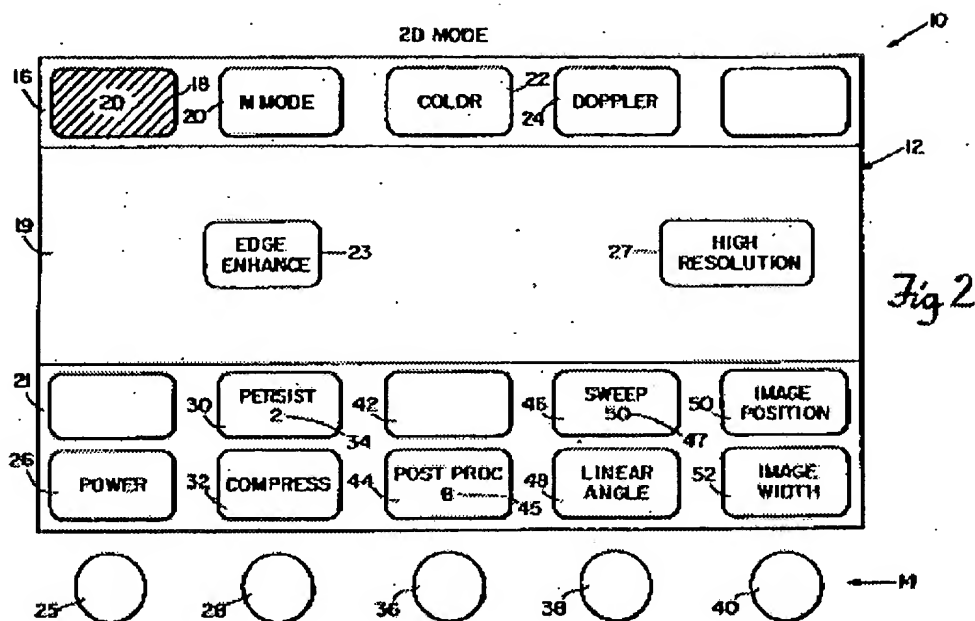


Fig. 1



8. Claims 2, 3, 8, 11, 13, 14, 16, 17, 20, 22, 23, 29, 32, 34, 35, 37, 38, 41, 43, 44, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Short et al. (US 5,161,535) in view of Mucci et al. (US 6,512,854) as applied to claims 1, 4-7, 9, 10, 12, 15, 18, 19, 21, 24-28, 30, 31, 33, 36, 39, 40, 42, 45-47, and 50-53 above and further in view of Weisman et al. (US 6,674,879 B1 of record).

The combined invention of Short and Mucci teaches all the limitations of the claimed subject matter except for mentioning specifically that the user interface is adapted to receive voice input and display text annotation, patient information and resize image.

Weisman teaches a user interface (26) for an ultrasonic imaging system wherein the user interface is adapted to receive voice input (col. 4, line 54) and display text annotation (col. 14, line 1), patient information (col. 13, lines 20-21 and Fig. 5), and resize image (see Fig. 6 in comparison to Fig. 5).

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Therefore, it would have been obvious to an ordinary skill in the art to modify the user interface of the combined invention of Short and Mucci so that it would be adapted to receive voice input and display text annotation, patient information and resize image in order to improve ultrasonic diagnostic capabilities.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Imam whose telephone number is 571-272-4737. The examiner can normally be reached on Mon. - Th., 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Imam
Primary Examiner
Art Unit 3737

AI
6/11/5